

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KINZA ABDUL SALAAM,

Plaintiff,

v.

TRANSSTATES AIRLINES, LLC,

Defendant.

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No. 4:18-CV-1547-DDN

MEMORANDUM AND ORDER

Plaintiff, an African-American woman, seeks leave to proceed in forma pauperis in this civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et seq.*, for employment discrimination on the basis of race and sex, and for retaliation. Based on plaintiff's financial affidavit, the motion is granted. For the following reasons, the Court will order process to issue on defendant Transstates Airlines, LLC.

Standard of Review

Under 28 U.S.C. § 1915(e), the Court is required to dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. To state a claim for relief, a complaint must plead more than "legal conclusions" and "[t]hreadbare recitals of the elements of a cause of action [that are] supported by mere conclusory statements." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A plaintiff must demonstrate a plausible claim for relief, which is more than a "mere possibility of misconduct." *Id.* at 679. "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* at 678. Determining whether a complaint states a plausible claim for relief is a

context-specific task that requires the reviewing court to draw on its judicial experience and common sense. *Id.* at 679.

When reviewing a complaint under 28 U.S.C. § 1915(e), the Court accepts the well-pled facts as true. Furthermore, the Court liberally construes the allegations.

Discussion

Plaintiff, an African-American female, was employed by defendant as a flight attendant.¹ She alleges defendant discriminated against her on the basis of race and sex, and retaliated against her. According to her complaint, in March 2016, plaintiff was suspended for three days based on allegedly false information defendant received from plaintiff's white coworker. In August 2016, plaintiff was suspended for seven days based on allegedly false allegations from her white coworkers, which plaintiff states she fully rebutted. Finally, after she had filed a Charge of Discrimination with the EEOC, she was flown to defendant's headquarters in St. Louis to respond to a passenger complaint. She was the only employee of defendant flown to St. Louis, and her two white male coworkers were not reprimanded. Plaintiff alleges this action was done in retaliation for her filing with the EEOC. For relief, plaintiff seeks lost pay and benefits since her first suspension in April 2016; full reinstallation as a flight attendant with all her seniority and benefits, and reimbursement for medical expenses she has incurred as a result of these events.

To establish a prima facie case of discrimination under Title VII, a plaintiff must show: 1) that he or she is a member of a protected class, (2) that he or she was meeting the employer's legitimate job expectations, (3) that he or she suffered an adverse employment action, and (4)

¹ It is not clear from plaintiff's complaint whether she continues to work for defendant Transstates Airlines, LLC. She states the discrimination occurred between April 2016 and April 2017, but it is unclear whether plaintiff left her employment with Transstates Airlines, LLC in 2017.

that similarly situated employees outside the protected class were treated differently. *E.g., Tolen v. Ashcroft*, 377 F.3d 879 (8th Cir. 2004). Having carefully reviewed and liberally construed plaintiff's complaint, the Court finds plaintiff has stated a plausible claim against defendant Transstates Airlines, LLC under the Title VII, and will order the Clerk to issue process on the complaint.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis is **GRANTED**. [ECF No. 4]

IT IS FURTHER ORDERED that the Clerk of Court shall issue process or cause process to issue on plaintiff's complaint as to defendant Transstates Airlines, LLC.

Dated this 4th day of October, 2018.

/s/ David D. Noce
UNITED STATES MAGISTRATE JUDGE